

Montana Multi-Site Cooperative Agreement Amendment
Support Agency Assistance
V-96822401
BULK Management Application Amendment – SFY 2017

DRAFT July 1, 2016 – June 30, 2017

Montana Department of Environmental Quality
Waste Management and Remediation Division
Helena Montana

For the
U.S. Environmental Protection Agency
Region VIII
Denver, Colorado

April XX, 2016

| | |
|--|----|
| INTRODUCTION..... | 3 |
| SUPPORT AGENCY ACTIVITIES | 3 |
| STATEMENT OF WORK FOR SUPPORT AGENCY ACTIVITIES | 3 |
| Component A - RI/FS or EE/CA Activities..... | 4 |
| Component B - RD Activities..... | 6 |
| Component C - RA Activities | 6 |
| Component D - Quality Assurance/Quality Control | 7 |
| Component E - SITE-SPECIFIC WORK PLANS FOR SUPPORT AGENCY ASSISTANCE | 8 |
| BARKER HUGHESVILLE MINING DISTRICT | 8 |
| BASIN MINING AREA..... | 9 |
| Town of Basin OU-1 | 9 |
| Basin Watershed OU-2 | 9 |
| CARPENTER SNOW CREEK MINING DISTRICT | 10 |
| Neihart OU-1 | 10 |
| Watershed OU-2 | 11 |
| Silver Dyke Mine OU-3 | 11 |
| ANACONDA ALUMINUM CO COLUMBIA FALLS REDUCTION PLANT..... | 12 |
| FLAT CREEK/IMM | 13 |
| Superior OU-1 | 13 |
| Flat Creek Watershed OU-2..... | 14 |
| LOCKWOOD SOLVENT OU 2 (BRENNTAG) SITE..... | 15 |
| MOUAT | 16 |
| UPPER TENMILE CREEK MINING AREA | 17 |
| PRELIMINARY SITE ASSESSMENT PROGRAM..... | 18 |

INTRODUCTION

This Multi-Site Cooperative Agreement application requests funding for the Montana Department of Environmental Quality (DEQ) Superfund Program for state participation in the federal Superfund Program authorized in the 1986 Superfund Amendment and Reauthorization Act. Beginning State Fiscal Year 2013, the agencies agreed to request a separate grant for Management Assistance for BULK funded sites and a grant for special account sites. Activities proposed for funding in this MSCA application for bulk funded sites include support agency assistance for federal-lead remedial actions at selected Montana National Priorities List (NPL) sites.

- This application will fund DEQ's site specific activities for EPA lead NPL sites in Montana for SFY 2017
- This grant will be the mechanism through Cooperative Agreement Amendments to provide bulk-funded Management Assistance through June 30, 2017

SUPPORT AGENCY ACTIVITIES

The Waste Management and Remediation Division manages DEQ's Superfund mission through the Federal Superfund and Construction Bureau and the Contaminated Site Cleanup Bureau. Staff from both bureaus works on federal Superfund cleanup activities under the CORE cooperative agreement, the Management Assistance Bulk Funding Multi Site Superfund Cooperative Agreement, the Management Assistance Special Account Multi Site Superfund Cooperative Agreement, and Technical Assistance Cooperative Agreements (TACA). DEQ will maintain a support agency role at EPA-lead sites of, Barker/Hughesville Mining District, Basin Mining Area, Carpenter/Snow Creek Mining District, Flat Creek IMM, Mouat, and the Upper Tenmile Creek Mining Area NPL sites, proposed listing for Anaconda Aluminum Co Columbia Fall Reduction Plant site and conduct preliminary investigations/site assessment activities. Court-ordered settlements with the responsible parties fund DEQ RD/RA. ACM (Anaconda Copper Mine) Smelter, Libby Groundwater, Lockwood Solvent Groundwater Plume and proposed listing for the Smurfit-Stone Mill site were removed from the bulk funded sites and added to the Special Account funded sites with agreement of the EPA. Refinery Court-ordered settlements with the responsible parties' fund the following projects as DEQ lead management are Upper Clark Fork River, Streamside Tailings and Montana Pole projects.

The intent of DEQ in this support agency role is to enhance progress at the sites by providing technical, legal, and managerial resources to the EPA, as well as by articulating issues of state concern, and promoting state and local involvement in the site remediation process.

STATEMENT OF WORK FOR SUPPORT AGENCY ACTIVITIES

Support agency activities are in the following four general components. These represent a set of general commitments that may be appropriate at each site depending on the activities and requirements associated with a particular site. Site-specific narratives describe commitments for each site.

Support Agency Components

- A. Remedial Investigation/Feasibility Study (RI/FS) or Engineering Evaluation/Cost Analysis (EE/CA) including Proposed Plans, Records of Decisions, Action Memorandums and Consent Decree negotiations with potentially responsible party (PRPs)
- B. Remedial Design (RD)
- C. Remedial Action (RA)
- D. Quality Assurance/Quality Control Commitment (QA/QC)
- E. Site-Specific Work Plans for Support Agency Assistance

Component A commitments apply to all sites that are in the RI/FS stages (most commitments continue through the subsequent superfund process specified in Components B and C) and include review of RODs and negotiation of consent decrees. All Clark Fork River Basin (CFRB) NPL sites are now past the RI/FS stage but many parts of Component A commitments remain relevant. Components B and C commitments apply to all sites or operable units (OUs) in the RD and RA phases. Component E commitments only apply to sites requiring site specific work products.

Component A - RI/FS or EE/CA Activities

Commitment 1 - Review RI/FS Documents

Outputs: Review and prepare written comments and recommendations on EPA, EPA contractor, or PRP work products during the RI/FS phase including:

- a. Preliminary planning document, including draft SOW (work plans), draft administrative orders, draft quality assurance project plans, draft sampling/analysis plans, and draft health/safety plans;
- b. Draft/final RI/FS reports, including draft public health evaluations, endangerment assessments, interim technical memoranda, work amendments, contractor progress reports, data analysis, data evaluation, and public comments on the draft studies; and
- c. Draft/final records of decision and action memoranda.

Commitment 2 - Maintain Project Files

Outputs: Review and compile site information from the files of appropriate local, state, and federal agencies, and from PRPs. Update site files as new data, correspondence, and work products become available. Provide access to site files as requested by EPA, their contractors, the public, site owners/operators, legislators, officials and potentially responsible parties, as appropriate. Provide secure storage for confidential files.

Commitment 3 - State Legal Requirements

Outputs: Provide written summaries identifying state applicable or relevant and appropriate requirements (ARARs) specifying state environmental statutes and regulations for each response action. Review EPA's federal ARARs designations and discuss the integration of state ARARS into remedial decision requirements.

Commitment 4 - Community Relations

Outputs: Review and prepare written comments on EPA or PRP community relations work products, including draft community relations plans, draft fact sheets and draft press releases. Prepare verbal or written responses to requests for site information from the public, legislators/officials, site owners/operators, contractors, and PRPs. Provide state assistance in the preparation or revision of site community relations plans. Attend public meetings and briefings to discuss draft RI/FS studies, site information, progress, and policies, as appropriate.

Commitment 5 – Quarterly Progress Reports

Outputs: Develop and submit to EPA progress reports of site specific expenditures and activities.

Commitment 6 - Site Visits

Outputs: Conduct site visits during periods of RI/FS field activities. Participate in periodic site inspections during RIs to observe trial runs of equipment, contractor progress, and aspects that affect project acceptance. Prepare written summaries of observed activities, comparing them to final preliminary planning outputs, site management plans, construction plans and specifications, and work completion schedules.

Commitment 7 - Consultation and Meetings

Outputs: Consult and meet with State staff, EPA, and EPA contractors, to discuss State comments on work products, State requirements, and RI/FS progress, including preliminary planning discussions, Proposed Plan and ROD development, technology transfer, interim design, contractor selection, preconstruction activities, and project pre-acceptance issues. Prepare and distribute written summaries of these meetings as appropriate.

Commitment 8 - PRP Discussions

Outputs: Participate with EPA in the development of PRP enforcement strategy. Review and prepare written comments on enforcement work products, enforcement activity, and the RI/FS processes. Prepare and distribute written summaries of these meetings.

Commitment 9 - Access

Outputs: Assist EPA in gaining access to sites to perform RI/FS activities, by helping to negotiate easements and access agreements with site owners/operators.

Commitment 10 - Training

Outputs: Receive EPA authorized training or required training for site-specific activities (e.g. risk assessment, lead in soils/wastes workshops, soils reclamation of mining/smelting sites, stream bank reconstruction, etc).

Commitment 11 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost-recovery documentation, legal research, outreach to local and federal agencies, general administration and clerical support.

Commitment 12 – ATSDR

Outputs: Coordinate and communicate with the Agency for Toxic Substances and Disease Registry on reviews of their public health evaluation activities and reports.

Commitment 13 – Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the conduct of Superfund RI/FSs or EE/CAs.

Component B - RD Activities

Commitment 1 - Cooperative Agreements or State Superfund Contract (SSC)

Outputs: Negotiate and sign cooperative agreements or SSCs identifying agreed upon requirements for determining EPA RA costs and the State's required matching share.

Commitment 2 - Review RD Documents

Outputs: Review and prepare written comments and recommendations on EPA or PRP work products during the RD phase including:

- a. RD work plans and sampling plans;
- b. Review data summary reports and data analysis/evaluation reports or technical memorandums;
- c. The preliminary (30 percent complete), intermediate (60 percent complete), pre-final (95 percent complete), and final RDs;
- d. Contractor progress reports;
- e. Draft construction specifications;
- f. Value engineering screening submittal;
- g. Draft operations and maintenance plans; and
- h. Draft bid request documents.

Commitment 3 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost recovery documentation, legal research, and liaison with local and federal agencies, general administration and clerical support.

Commitment 4 - Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the development of Superfund Remedial Designs.

Component C - RA Activities

Commitment 1 - Review RA Documents

Outputs - Review and prepare written comments and recommendations on EPA or PRP work products during the RA phase including:

- a. Contractors' bid responses;
- b. Construction status and planning meetings;
- c. Construction oversight, progress reports, proposed change orders and claims;
- d. Pre-final and final inspection reports;
- e. Construction completion documentation; and
- f. Draft delisting documents (for site removal from the NPL).

Commitment 2 - Conduct Field Inspections

Outputs: Make field visits to support oversight of progress on implementation of remedial action measures to ensure compliance with decision documents, design requirements, and as necessary, appropriateness for state assumption of O&M responsibilities.

Commitment 3 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost recovery documentation, legal research, and liaison with local and federal agencies, general administration, and clerical support.

Commitment 4 - Community Relations

Outputs: Review and prepare written comments on EPA or PRP community relations work products, including draft fact sheets and draft press releases. Prepare verbal or written responses to requests for site information from the public, legislators/officials, site owners/operators, contractors, and PRPs. Attend public meetings and briefings to discuss RA status, site information, progress, and policies, as appropriate.

Commitment 5 - Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the development of Superfund Remedial Actions.

Component D - Quality Assurance/Quality Control

Commitment 1 – Follow EPA Quality Management Procedures

Output 1: For DEQ lead sampling investigations, DEQ will use EPA-approved Quality Assurance guidance.

Commitment 2 – Develop Quality Assurance Project Plans

Outputs: DEQ will develop QAPPs as specified in EPA QA/R-5, EPA Requirements for Quality Assurance Project Plans (QAPP) for Environmental Data Operations. DEQ will establish Data Quality Objectives to clarify the study objectives, define the most appropriate types of data to collect, determine the most appropriate conditions under which to collect the data, and specify the level of uncertainty that is acceptable as the basis for establishing the quantity and quality of

data needed. The EPA must approve and sign all QAPPs before data collection. DEQ will provide thirty days for EPA to review and comment upon the QAPP unless the agencies agree to a different review period.

Outcome: Define state adherence to established and defined quality assurance processes for Superfund RI/FS and RD/RA.

Component E - SITE-SPECIFIC WORK PLANS FOR SUPPORT AGENCY ASSISTANCE

BARKER HUGHESVILLE MINING DISTRICT

DP / Ex. 5; Law Enf. / Ex. 7(a)

BASIN MINING AREA

DP / Ex. 5; Law Enf. / Ex. 7(a)

DP / Ex. 5; Law Enf. / Ex. 7(a)

CARPENTER SNOW CREEK MINING DISTRICT

DP / Ex. 5; Law Enf. / Ex. 7(a)

DP / Ex. 5; Law Enf. / Ex. 7(a)

DP / Ex. 5; Law Enf. / Ex. 7(a)

ANACONDA ALUMINUM CO COLUMBIA FALLS REDUCTION PLANT

DP / Ex. 5; Law Enf. / Ex. 7(a)

DP / Ex. 5; Law Enf. / Ex. 7(a)

FLAT CREEK/IMM

DP / Ex. 5; Law Enf. / Ex. 7(a)

DP / Ex. 5; Law Enf. / Ex. 7(a)

Flat Creek Watershed OU-2

DP / Ex. 5; Law Enf. / Ex. 7(a)

DP / Ex. 5; Law Enf. / Ex. 7(a)

LOCKWOOD SOLVENT OU 2 (BRENNTAG) SITE

DP / Ex. 5; Law Enf. / Ex. 7(a)

DP / Ex. 5; Law Enf. / Ex. 7(a)

MOUAT

DP / Ex. 5; Law Enf. / Ex. 7(a)

UPPER TEN MILE CREEK MINING AREA

DP / Ex. 5; Law Enf. / Ex. 7(a)

DP / Ex. 5; Law Enf. / Ex. 7(a)

PRELIMINARY SITE ASSESSMENT PROGRAM

DP / Ex. 5; Law Enf. / Ex. 7(a)